

Neither the Metropolitan nor his advisers question the accuracy of the statement of facts with which our opinion is prefaced, or that of the statement of law contained in the third paragraph of our opinion.

Messrs. Bethune and Cameron hold, as your Lordship will have observed, opinions diametrically opposed on the vital question of the power assumed to be conferred on the Metropolitan by the Letters Patent.

On this question we concur with the opinion now enunciated by Mr. Cameron, and that result has been arrived at in our case, and we apprehend in his case also, after a perusal of the judgment of the Judicial Committee of the Privy Council, and of the opinions of the advisers of the Crown to which we have referred.

Under the circumstances we shall assume that the Judicial Committee, the advisers of the Crown, Mr. Cameron, and ourselves are right, and that Mr. Bethune is wrong, on this point.

There remains for consideration only the question whether there has been, on the part of the Diocese of Huron, any binding assent to the creation of Synod under the Provincial Act.

If this question be resolved in the negative, the inevitable consequence is that there is no valid creation of Synod.

We affirm with great confidence that there has been no such assent.

Let us examine upon what assumed relations, under what belief, and moved by what considerations, the Diocese of Huron acted, and how in fact it did act, in the matter. Irrespective of the Provincial Synod Act, the Church of England in Canada had no mode of forming an association such as a General Assembly, other than by the voluntary action of its members; and an assembly so constituted would have had no power to bind any persons, except those who expressly or by implication had consented to be bound by its action, and would have had no jurisdiction over the members of the Church generally; much less would it have had a right to establish Spiritual Courts, or by its action to deprive persons generally of either status or property in the Church.